

Notice of Allowability	Application No.	Applicant(s)	
	10/595,357	MCNUTT ET AL.	
	Examiner	Art Unit	
	MICHAEL A. NEWMAN	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the pre-brief conference request filed on 03/05/2010.
2. ☒ The allowed claim(s) is/are 1-7,9,10,12,14,15 and 17-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20100721</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other ____. |
|---|---|

DETAILED ACTION

1. In view of the Pre-Brief conference request filed on March 5th, 2010, PROSECUTION IS HEREBY REOPENED. An Examiner's amendment to the claims is set forth below.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below: /Matthew C Bella/

Supervisory Patent Examiner, Art Unit 2624

Response to Arguments

2. Applicant's arguments, see pages 2 – 6 of the Pre-Brief conference request, filed on March 5th, 2010, with respect to independent claim 1 and 17 have been fully considered and are persuasive. The 35 U.S.C. 103 rejections of claims 1 – 7, 9, 10, 12, 14, 15 and 17 – 19 have been withdrawn.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Kocovsky (Reg. No. 28,383) on July 20th, 2010.

Art Unit: 2624

The application has been amended as follows:

In the claims:

- a. Please **cancel** claims **20 – 23**.

Allowable Subject Matter

4. Claims 1 – 7, 9 [renumbered as 8], 10 [renumbered as 9], 12 [renumbered as 10], 14 [renumbered as 11], 15 [renumbered as 12] and 17 – 19 [renumbered as 13 – 15] are allowed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Young, et al. "Left Ventricular Mass and Volume: Fast Calculation with Guide-Point Modeling on MR Images." *Radiology* 2000. 216. (2000): 597-602. Print.
 - b. Chen et al. (U.S. Pg Pub No. 2003/0018235) teaches storing 3D models of organ sections in a database, letting a user select the organ sections that correspond to areas being scanned in 3D and registering the 3D model onto the scanned image based on points clicked by a user.
 - c. Serra et al. (U.S. Pg Pub No. 2004/0246269) teaches letting a user drag and drop a 3D bounding box so as to position it on a 3D image volume and

Art Unit: 2624

further allows a user to push and pull the bounding box edges so that it encloses the volume properly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL A. NEWMAN whose telephone number is (571) 270-3016. The examiner can normally be reached on Mon - Thurs from 9:30am to 6:30pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C. Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew C Bella/
Supervisory Patent Examiner, Art Unit 2624

Application/Control Number: 10/595,357

Page 5

Art Unit: 2624

M.A.N.